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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,584	10/27/2003	Markus Oberthur	PO-7785/LcA 36,414	3765
34947	7590	10/16/2006	EXAMINER	
LANXESS CORPORATION 111 RIDC PARK WEST DRIVE PITTSBURGH, PA 15275-1112			HARLAN, ROBERT D	
			ART UNIT	PAPER NUMBER
			1713	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application Number: 10/694,584  
Filing Date: October 27, 2003  
Appellant(s): OBERTHUR, MARKUS

**MAILED**  
OCT 16 2006  
**GROUP 1700**

Nicanor A. Kohncke  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 07/24/2006  
appealing from the Office action mailed 02/23/2006.

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**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

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**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5965678

BECEKE ET AL.

10-1999

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Becke et al., U.S. Patent No. 5,965,678 (hereinafter "Becke"). Becke teaches a method for admixing an anti-aging agent, monoazadiene, with at least one rubber monomer, particularly conjugated dienes, and a vulcanizing agent, Vulkanox BKF. See Beck, col. 7, line 26 through col. 8; line 40; col. 11, line 45. Furthermore, the preamble is not giving any patentable weight because properties with respect to aging characteristics are absent in the body of the claims. See

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MPEP 2111.02. Therefore, the Examiner contends Becke anticipates claims 1-2 and 4-6.

#### **(10) Response to Argument**

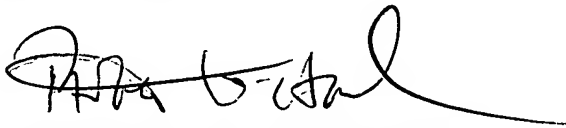
The Applicants argue, "as best understood, all of the monoazadiene compounds of Becke, as represented in the formulae (Formula I-Formula VIII) therein, set forth compounds known as metal complexes." The Examiner retorts the catalyst is a metal complex comprising a metal center and a monoazadiene compound ligand. The ligand stands alone as well as a part of a larger catalyst system. The Applicants further argue nowhere in the cited sections or elsewhere in the reference is the use of an azadiene compound for anti-ageing ever considered or suggested. The Examiner responds by stating that as a whole the claims are not written to give the preamble patent weight.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

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A handwritten signature in black ink, appearing to read "R. D. Harlan", with a long horizontal flourish extending to the right.


Respectfully submitted,

Robert D. Harlan,

Patent Examiner

AU 1713

Conferees:

A handwritten signature in black ink, appearing to read "David W. Wu", with a stylized "W" and "U".  
David W. Wu

SPE, AU 1713

A handwritten signature in black ink, appearing to read "James Seidleck", with a stylized "J" and "S".  
James Seidleck

SPE, AU 1711